

REMARKS

This responds to the Office Action mailed on July 21, 2008.

Claims 1, 3, 9, 22, 24, 42, and 43 are amended, claims 2, 8, 23, and 28 are canceled, and no claims are added; as a result, claims 1, 3-7, 9-22, 24-27, and 29-43 are now pending in this application.

§103 Rejection of the Claims

Claims 1-7, 9-18, 20-27, 29-39 and 41-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Junger (U.S. Publication No. 2004/0172260) in view of Lee et al. (U.S. Publication No. 2004/0117383, hereinafter; "Lee").

Claims 19 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Junger (U.S. Publication No. 2004/0172260) in view of Lee and further in view of Harrison (U.S. Publication No. 2001/0039524).

Junger discusses an "electronic registration system" that "facilitates authorized product returns and reduces the incidence of improper returns." (Junger abstract) This is done by the use of "individual product identification information for purchased products, gathered, for example, at the point of a sales transaction or during the fulfillment of an on-line purchase from an e-tailer, and storing the information in one or more transaction databases. In an example embodiment of the present invention, individual product identification information (such as a unique serial number) is stored in a local transaction database along with additional information including at least the date of the transaction. A transaction receipt such as a customer sales receipt may be created and includes at least the unique product identification information and the date of the transaction." (Junger [0028]) The system discussed in Junger "enables the consumer or the purchaser of the product to access the stored information ... to directly access the transaction information and determine if the product qualifies for return. (Junger [[0030])

Claim 1, as amended, recites in pertinent part:

determining that a seller is eligible to offer a buyer the money-back guarantee;

The Office Action alleges that the limitation of “determining if a seller is eligible to offer a buyer the money-back guarantee” is disclosed by Junger, paragraph 10. (Office Action p. 3, lines 15-17). Applicant respectfully disagrees. Junger, paragraph 10 recites:

Product returns are a market reality faced by virtually every manufacturer, distributor, supplier, retailer and e-tailer (on-line retailer or "cyberstore") of commercial products. Unfortunately, handling product returns often requires a significant expenditure of resources. For example, it may be necessary to employ one or more individuals to verify that product returns satisfy the requirements of a company's return policy. This process can be complicated due to the fact that a particular retailer often carries numerous different type of products from different manufacturers, each of which often has their own return and warranty policies and procedures. As a result, the personnel responsible for processing the product return transactions at, for example, a retail store, must know or manually look-up the applicable return policies and procedures for the particular product that a person is attempting to return. This is a difficult, time-consuming, and error-prone process that often results in improper acceptance or rejection of product returns and/or warranty claims at the retail level. The problems associated with product returns have been compounded in recent years due to the large number a products that are purchased from Web sites on the Internet, i.e. from electronic retailers or e-tailers. A significant portion of the products purchased from e-tailers are returned by the purchaser. It is noted that the term "retailer" as used herein is generally meant to include e-tailers, which have now become a major supplier of products to consumers.

Thus, the cited passage in Junger merely discusses the different return and warranty policies and procedures for different products which cause complications in the process of returning products. The system disclosed in Junger presents a way to make this process easier by giving each item sold an “individual product identification information” (such as a unique serial number) to enable “a store clerk or the like to obtain real-time electronic verification of a particular product sale transaction as well as the currently available return/warranty options for a particular product presented for return.” (Junger [0029])

However, discussing the different return and warranty policies or obtaining currently available return/warranty options for a particular product is not the same as “determining that a seller is eligible to offer a buyer the money-back guarantee” because there is no determination of eligibility to offer a money-back guarantee; in Junger, it is simply accepted that there is a return and warranty policy for a product and that it may be different for other products, not that a seller

can be eligible or ineligible to be able to offer a money-back guarantee in a network based marketplace.

As such, Junger in view of Lee fails to teach or suggest what is alleged in the Office Action. Therefore, Applicant respectfully submits that there are substantial differences between what is claimed and what the Office Action contends is shown in Junger in view of Lee. Those differences are significant and non-obvious to a person of ordinary skill in the art at the time the application was filed. Thus, claim 1 is not rendered obvious by Junger in view of Lee and allowable. As claim 1 is allowable, its dependent claims are similarly allowable.

Claim 22, as amended, includes “a seller verification module to determine that a seller is eligible to offer a buyer the money back guarantee” and therefore should be allowable for at least the reasons presented above. As claim 22 is allowable, its dependent claims are similarly allowable.

Claim 42, as amended, includes a machine readable medium storing a set of instructions that cause the machine to “determine that a seller is eligible to offer a buyer the money-back guarantee” and therefore should be allowable for at least the reasons presented above.

Claim 43, as amended, includes a machine readable medium storing a set of instructions that cause the machine to “a first means for determining that a seller is eligible to offer a buyer the money-back guarantee” and therefore should be allowable for at least the reasons presented above.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 278-4042 to facilitate prosecution of this application.


If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(408) 278-4042

Date 10/27/08

By /s/ Andre L. Marais
Andre L. Marais
Reg. No. 48,095

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 27, 2008. 

Name CHRIS BARTV

Signature 